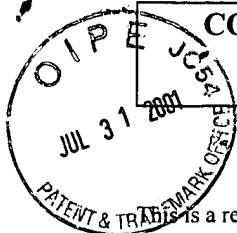


08-01-01

CPA/1632/18



# CONTINUED PROSECUTION APPLICATION (CPA)

## Request Transmittal Under Small Entity Status

(Only for Continuation or Divisional Applications Under 37 CFR § 1.53(d))

Attorney Docket No.

GDI-1CPA1

TECH CENTER 1600/2900

H 9

9-12-01

AUG 02 2001

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### TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a request for a ☒ continuation ☐ divisional application under 37 CFR § 1.53(d) (Continued Prosecution Application (CPA)), of prior application No. 09/360,199 filed on 7/23/1999, and entitled Intestinal Gene Therapy.

Name of Applicant(s): Jack Gauldie, Steve Collins, Christopher Thomson, Bruce Vallance, Yonhong Wan.

- ☒ The issue fee in the prior application has not been paid.
- ☒ The prior application is abandoned under 37 CFR § 1.53(d)(2) as of the filing date of this continued prosecution application.
- ☒ Please use the file jacket and all the contents of the prior application, including the specification, drawings, and entered amendments, to constitute the new application.

### Foreign Priority - 35 USC § 119

- ☐ Foreign priority under 35 U.S.C. § 119 has been claimed in prior application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_, in (country) \_\_\_\_\_.
- ☐ The certified copy has been filed in prior application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_.
- ☐ A separate paper claiming direct priority to a foreign application is enclosed herewith. A certified copy of the foreign application will be provided in due course.

### Other Amendments

- ☐ Before calculating the filing fee, amend the prior application as follows:
  - ☐ Cancel the following claims: \_\_\_\_\_.
  - ☐ Enter the enclosed preliminary amendment.
  - ☐ Enter the unentered amendment(s) previously filed on \_\_\_\_\_ under 37 CFR § 1.116 in the prior nonprovisional application. A copy of the amendment(s) is (are) enclosed.

### Inventorship Statement

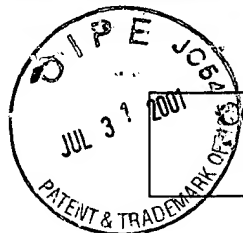
- ☐ Delete the following named inventors in the prior application as inventors in this application in accordance with 37 CFR § 1.53(d)(4) as a result of a change in the claimed subject matter: \_\_\_\_\_.

### Assignment

- ☒ The prior application is assigned to Steve Collins and Jack Gauldie.

### Enclosures

- ☐ Specification; \_\_\_ Total Pages. ☐ Drawing(s); \_\_\_ Total Sheets.
- ☐ Oath or Declaration:
  - ☐ A newly executed combined oath or declaration and power of attorney (37 CFR § 1.63(d)(4)).
  - ☐ A copy from a prior application for continuation/divisional (37 CFR § 1.63(d)(1)).
    - ☐ Incorporation by reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
    - ☐ Power of Attorney was changed during prosecution of prior application to \_\_\_\_\_.
    - ☐ Correspondence address was changed during prosecution of prior application to that shown below.
- ☐ Priority Documents (if foreign priority is claimed).
- ☐ Associate Power of Attorney.
- ☒ Verified statement(s) to establish status as a small entity:
  - ☐ Is enclosed. ☐ Small entity status is no longer claimed.
  - ☒ A statement was filed in the prior application, and small entity status is still proper and desired.
- ☒ Return Receipt Postcard. ☐ Preliminary Amendment(s). ☐ Unentered Amendment(s).
- ☐ A check in the amount of \$\_\_\_\_\_ for the Filing Fee.
- ☒ Other: Petition for a Three-Month Extension of Time and a check in the amount of \$445.00 is enclosed.

**CONTINUED PROSECUTION APPLICATION (CPA)****Request Transmittal Under Small Entity Status**

(Only for Continuation or Divisional Applications Under 37 CFR § 1.53(d))

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Filing Fee Calculation

FOR	CLAIMS AS FILED		RATE	FEE
	NO. FILED	NO. EXTRA		
Total Claims	28	8	\$9.00	\$ 72.00
Independent Claims	5	2	\$40.00	\$ 160.00
Multiple Dependent Claim Fee (if applicable)				\$ 0.00
Assignment Recording Fee (if applicable)				\$ 0.00
Basic Filing Fee				\$ 355.00
Total Filing Fee				\$ 587.00

Please charge \$ \_\_\_\_\_ to Deposit Account No. \_\_\_\_\_ pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: 

Timothy H. Van Dyke

Attorney of Record

Reg. No. 43218

Date: 7/31/2001

Correspondence Address:

Bencen & Van Dyke, P.A.  
1630 Hillcrest Street  
Orlando, Florida 32803  
Phone: 407-228-0328  
Fax: 407-228-0329

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

By: 

Typed Name: Timothy H. Van Dyke

Express Mail Label No.: ET321924485US

Date of Deposit: 7/31/2001